

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

vs.

5:08-CR-295 (FJS)

ROBERT SMITH,

Defendant.

JOHN M. KATKO, AUSA, for the Government

KENNETH M. MOYNIHAN, ESQ., for the Defendant

ORDER APPROVING WAIVER OF APPEARANCE FOR ARRAIGNMENT

Defendant has been charged by indictment with possessing with intent to distribute cocaine base ("crack") in violation of 21 U.S.C. § 841(b)(1)(B) and possessing a firearm in violation of 18 U.S.C. § 924(c)(1)(A) & 2. Defendant and defendant's counsel, Kenneth M. Moynihan, Esq., have completed a written waiver of arraignment form advising the court that Robert Smith wishes to waive his right to a formal arraignment on the pending indictment, pursuant to Rule 10 of the Federal Rules of Criminal Procedure, as amended.

Based upon the defendant's voluntary representations, as confirmed by his attorney, and the understanding that Mr. Moynihan has explained the consequences of the waiver of arraignment to his client, I accept his

waiver as knowing and voluntary. Accordingly, it is hereby

ORDERED that the clerk is directed to enter a plea of not guilty to Indictment No. 5:08-CR-295 (FJS), dated June 4, 2008, on behalf of the defendant, Robert Smith, such plea to be docketed as having been entered on the date of the signing of this order.

Dated: June 17, 2008



Hon. Gustave J. DiBianco
U.S. Magistrate Judge